

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**RHYANNA S. DE TUATHANA,**

Plaintiff,

v.

**MICHAEL J. ASTRUE,**  
**Commissioner of Social Security,**

Defendant.

No. CV 09-550-PK

OPINION AND ORDER

**MOSMAN, J.,**

On June 23, 2010, Magistrate Judge Papak issued Findings and Recommendation ("F&R") (#22) in the above-captioned case recommending that I AFFIRM the Commissioner's decision. Plaintiff filed objections to the F&R (#24), and the Commissioner responded (#25).

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate

judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Papak's recommendation and I ADOPT the F&R (#22) as my own opinion. Plaintiff's objections do not identify evidence of a medical diagnosis of hypochondria, evidence of hypochondria-related work limitations, or evidence of difficulties in concentration, persistence, and pace, or episodes of decompensation that undermines Judge Papak's factual findings. The Commissioner's decision is AFFIRMED and the case is DISMISSED.

IT IS SO ORDERED.

DATED this 23rd day of July, 2010.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Court